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United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Civil No.: CV07-6162 BZ
)
Plaintiff,	) AT LAW AND IN ADMIRALTY
)
v.	) MEMORANDUM IN SUPPORT OF
	) APPLICATION FOR ENTRY OF
Tackle, apparel, furnishings, spares, tools,	) DEFAULT BY THE CLERK OF THE
equipment and certain other appurtenances of the SS	) COURT PURSUANT TO RULE 55(a)
INDEPENDENCE (O.N. 261147),	) AGAINST THE DEFENDANT
<u>in rem</u>,	) APPURTENANCES, ETC., OF THE
	) VESSEL SS INDEPENDENCE, <i>IN REM</i> ,
Defendant.	) AND AGAINST ALL NON-APPEARING
	) <u>MARITIME LIEN CLAIMANTS</u>

This action was filed by the United States against the defendant tackle, apparel, furnishings, spares, tools, equipment and certain other appurtenances of the Vessel SS INDEPENDENCE, in rem

1 (hereinafter the defendant "Vessel Appurtenances, etc."), for the purpose of foreclosing on the
2 Government's First Preferred Ship Mortgage against the Vessel.

3 As set forth more fully in the Declaration of Jeanne M. Franken, filed herewith, the United
4 States Marshal of this District arrested the defendant Vessel Appurtenances, etc., on March 18 and
5 19, 2008 in San Francisco and Alameda, respectively, pursuant to process issued by this Court.
6 Notice of Arrest of the defendant Vessel Appurtenances, etc., was subsequently published on April
7 2, 9 and 16, 2008. [See Exhibits "A" and "B" to the Declaration of Jeanne M. Franken in Support
8 of the Application for Entry of Default by the Clerk, which is filed herewith.]

9 No person or entity has filed a verified statement of interest or right to said defendant Vessel
10 Appurtenances, etc., nor an answer in response to the Verified Complaint of the United States
11 herein, both of which are mandatory requirements under Supplemental Admiralty Rule C(6) of the
12 Fed.R.Civ.P.

13 Finally, pursuant to the Court's Order for Issuance of Warrant of Arrest of Vessel
14 appurtenances, etc., the Warrant of Arrest of said items, and the published Notice of Arrest, any
15 persons or entities with claims of maritime liens against the defendant Vessel Appurtenances, etc.,
16 were required to intervene in this action within 20 days of the publication of the Notice of Arrest;
17 further, pursuant to said Order, Warrant, and published Notice, default would be entered unless
18 intervention was sought within the foregoing deadline. That time having expired without any entity
19 or person having attempted to intervene, default should now be entered against any and all persons
20 and/or entities which have failed to so intervene in a timely manner.

21 Therefore, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, plaintiff United
22 States applies for entry of default against the defendant Vessel Appurtenances, etc., of the Vessel
23 SS INDEPENDENCE, in rem, and against and all claimants alleging maritime liens against said
24 defendant Vessel Appurtenances, etc., if any there be, who have failed to intervene in this action
25 within the foregoing deadlines established by the Court.

CONCLUSION

For the foregoing reasons the United States requests the Clerk of the Court to enter defaults in accordance with the proposed "Order for Entry of Default by the Clerk" filed herewith.

Dated: June 23, 2008

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/s/ Jeanne M. Franken
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